

# 2013 DRAFTING REQUEST

## Senate Joint Resolution

Received: 3/27/2013

Received By: smiller

Wanted: As time permits

Same as LRB: -2000

For: Sheila Harsdorf (608) 266-7745

By/Representing: Matt Wuebke

May Contact:

Drafter: smiller

Subject: Constitutional Amendments

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Harsdorf@legis.wisconsin.gov

Carbon copy (CC) to:

### Pre Topic:

No specific pre topic given

### Topic:

Standards for congressional, state, judicial and county recall

### Instructions:

Per attached E mail, 8/10/11.

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 3/27/2013	kfollett 3/27/2013	jfrantze 3/27/2013	_____			
/1				_____	srose 3/27/2013	sbasford 3/28/2013	

FE Sent For:

Not needed

<END>

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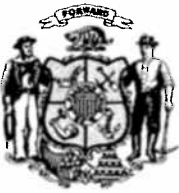
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/?	smiller	1/15f 3/27		3/27			

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LBB-1978/1

SRM:lgfjm

2003/1

SRM:lgf

SENATE  
~~ASSEMBLY~~  
2013 JOINT RESOLUTION

LPS:  
Fix sheet  
request  
please

3-27  
today

Regen

- 1 **To renumber** section 9 of article IV; **to amend** section 12 (intro.) of article XIII and
- 2 section 12 (2) of article XIII; and **to create** section 9 (2) of article IV of the
- 3 constitution; **relating to:** recall of elective officers and a code of ethics for
- 4 government officials (first consideration).

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***Analysis by the Legislative Reference Bureau***

This constitutional amendment, proposed to the 2013 legislature on first consideration, limits the grounds for the recall of an incumbent congressional, judicial, or legislative elective officer or any county elective officer specified in the Wisconsin Constitution (elective officer). Currently, a petition for recall may be filed with the officer who receives the nomination petition to the elective office in the primary (filing officer), and need not demonstrate any grounds for the recall of an elective officer. Under this amendment, an elective officer may be recalled only if he or she has been charged with a serious crime or if a finding of probable cause has been made that he or she violated the state code of ethics.

The amendment further requires the filing officer to determine, before a recall election is scheduled, that the petition for recall demonstrates sufficient grounds for recalling the elective officer.

The amendment also requires the legislature to establish a code of ethics for government officials and a board to administer the code.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it becomes effective.

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*Resolved by the assembly, the senate concurring, That:*

**SECTION 1.** Section 12 (intro.) of article XIII of the constitution is amended to read:

[Article XIII] Section 12 (intro.) The qualified electors of the state, of any congressional, judicial or legislative district or of any county may petition for the recall of any incumbent elective officer after the first year of the term for which the incumbent was elected, if the officer has been charged with a crime punishable by imprisonment of one year or more, or against whom a finding of probable cause of violation of the state code of ethics has been made, by filing a petition with the filing officer with whom the nomination petition to the office in the primary is filed, demanding the recall of the incumbent.

**SECTION 2.** Section 12 (2) of article XIII of the constitution is amended to read:

[Article XIII] Section 12 (2) The If the filing officer with whom the recall petition is filed determines that the petition sufficiently demonstrates the grounds for recall, the filing officer with whom the recall petition is filed shall call a recall election for the Tuesday of the 6th week after the date of filing the petition or, if that Tuesday is a legal holiday, on the first day after that Tuesday which is not a legal holiday.

**SECTION 3.** Section 9 of article IV of the constitution is renumbered section 9 (1) of article IV.

**SECTION 4.** Section 9 (2) of article IV of the constitution is created to read:

[Article IV] Section 9 (2) The legislature shall provide by law for the establishment of a code of ethics for government officials and the establishment of a board to administer the code.

**SECTION 5. Numbering of new provision.** If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

***Be it further resolved, That*** this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for three months previous to the time of holding such election.

**(END)**

**Basford, Sarah**

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**From:** Wuebke, Matt  
**Sent:** Thursday, March 28, 2013 9:22 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2003/1 Topic: Standards for congressional, state, judicial and county recall

Please Jacket LRB -2003/1 for the SENATE.